IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS WACO DIVISION

ECOFACTOR, INC.,
Plaintiff,

v.

§

W-22-CV-00069-ADA

RESIDEO TECHNOLOGIES, INC. Defendant.

CLAIM CONSTRUCTION ORDER

Before the Court are the Parties' claim construction briefs: Defendant Resideo Technologies, Inc.'s Opening Claim Construction Brief (ECF No. 29), Plaintiff's Responsive Claim Construction Brief (ECF No. 30), Defendants' Reply Claim Construction Brief (ECF No. 31), Plaintiffs' Sur-Reply (ECF No. 33), and the Joint Claim Construction Statement (ECF No. 34). On October 10, 2022, the Court provided the parties with its Preliminary Claim Constructions, and on October 11, 2022, the Court held a *Markman* hearing. The Court issues this Order to memorialize the Court's final claim construction rulings for the parties, and to inform the parties that the Court plans to issue a more-detailed Order explaining its analysis in due course. The deadline to file any objections to the undersigned's claim construction rulings (pursuant to Federal Rules of Civil Procedure 59 and 72) do not need to be filed until 14 days after that more fulsome Order is entered upon the docket.

SIGNED this 11th day of October, 2022.

Derek T. Gilliland

United States Magistrate Judge

I. DISPUTED CONSTRUCTIONS:

Term	Term	Plaintiff's Proposed	Defendant's Proposed	Court's Final Construction
No.		Construction	Construction	
1	"The thermostat system"	Preamble is limiting but does not require construction; plain and ordinary meaning.	Preamble is limiting and should be construed as "A thermostat."	Preamble is limiting; plain and ordinary meaning.
	'890 patent, preamble of claim 1			
2	"the thermostat" '890 patent, claim 1	Does not require construction; plain and ordinary meaning; not indefinite.	"The thermostat" of the preamble or, in the alternative, the term is indefinite.	Plain and ordinary meaning; not indefinite.
3	"the automatic adjustment of the temperature setpoint" '890 patent, claims 12, 13, 16	Not indefinite; no construction necessary; plain and ordinary meaning.	No antecedent basis; indefinite.	Not indefinite; plain and ordinary meaning, wherein the plain and ordinary meaning of "temperature setpoint" includes "temperature value."